

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

WILL INGRAM,

Plaintiff

VS.

ROBBY McCANON,
ROBERT CASH,
LEE STANSLEY, and
LEE SOUTHERN,

Defendants

NO. 3: 06-CV-10 (CDL)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

ORDER

Defendants McCANON, CASH, and STANSLEY have filed a **MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE MOTIONS FOR SUMMARY JUDGMENT** (Tab #18) requesting action by the court because of the failure of plaintiff WILL INGRAM to respond to discovery requests and previous orders from the court requiring him to do so. See Tabs #15 and #17. Plaintiff's responses to defendants' motions and the court's orders are virtually identical. See Tabs #20, #22, and #24. Plaintiff avers that he has experienced problems receiving his mail because of his transfer from Calhoun State Prison to Valdosta State Prison and time spent at the prison medical facility in Augusta, Georgia. Significantly, plaintiff does not deny receiving defendants' discovery requests or the court's orders; he does not appear to have made any attempt to respond to defendants' discovery requests.

Upon consideration of the motions before the court, and certainly giving plaintiff the benefit of the doubt to which he probably is not entitled, IT IS ORDERED AND DIRECTED:

(1) that defendants' **MOTION TO COMPEL** (Tab #15) is GRANTED to the extent that plaintiff INGRAM shall **WITHIN FIFTEEN (15) DAYS** from the date of receipt of this order serve responses to all discovery requests heretofore served upon him by mailing the same to counsel for the defendants;

(2) that discovery herein is REOPENED for a period of FORTY-FIVE (45) DAYS;

(3) that defendants' motion requesting dismissal is, DENIED; and,

(4) that defendants' alternative motion, to-wit, for enlargement of time within which to file motions for summary judgment is GRANTED so that the defendants shall have THIRTY (30) DAYS after the close of discovery within which to submit motions for summary judgment.

Plaintiff is reminded that he is REQUIRED to advise both the Clerk of Court and opposing counsel of any changes in his address. Plaintiff is also advised that if he fails to provide responses to discovery as hereinabove directed, the court will permit defendants to resubmit their request for dismissal in lieu of filing motions for summary judgment. IN SHORT, THIS IS PLAINTIFF'S LAST OPPORTUNITY TO COMPLY WITH DEFENDANTS' DISCOVERY REQUESTS!

SO ORDERED AND DIRECTED, this 14th day of MARCH, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is stylized and cursive.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE